



13281 U.S. PTO

REQUEST FORM AND FORMALITIES PRELIMINARY AMENDMENT FOR  
FILING A PATENT APPLICATION UNDER 37 C.F.R. 1.53(b)  
Submit an original and a duplicate for fee processing

THIS APPLICATION: DOCKET NUMBER	FILING DATE	PRIOR APPLICATION: EXAMINER	ART UNIT	TOTAL NO. OF PAGES
P66879US3	February 23, 2004	Vera Afremova	1651	89

Address to:

Commissioner for Patents  
P.O. Box 1450  
Mail Stop Patent Application  
Alexandria, VA 22313-1450

RULE 53(f) - NO FEE

17510 U.S. PTO  
10/783020  
022304

This is a request for filing a [ X ] continuation or [ ] divisional application under 37 C.F.R. 1.53(b) of prior application Serial No. 09/903681 filed on July 13, 2001, entitled BIFIDOBACTERIUM IN THE TREATMENT OF INFLAMMATORY DISEASE by the following inventor(s).

	Family Name	First Given Name	Second Given Name
Full Name of Inventor	COLLINS	John	Kevin
City	State or Foreign Country	Country of Citizenship	
Residence & Citizenship	Doughcloyne	Ireland	Ireland
Post Office Address	Post Office Address	City	State & Zip Code/ Country
Post Office Address	Spur Hill, Doughcloyne, Ireland		

[ X ] additional sheet(s) with inventors information attached

	Family Name	First Given Name	Second Given Name
<u>Full Name of Inventor</u>	O'SULLIVAN	Gerald	Kevin
		State or Foreign Country	Country of Citizenship
<u>City</u>			
<u>Residence &amp; Citizenship</u>	Cork	Ireland	Ireland
	Post Office Address	City	State & Zip Code/ Country
<u>Post Office Address</u>	Ballinvetig, Curraheen Rd., Bishopstonn, Cork, Ireland		

	Family Name	First Given Name	Second Given Name
<u>Full Name of Inventor</u>	O'MAHONY	Liam	
		State or Foreign Country	Country of Citizenship
<u>City</u>			
<u>Residence &amp; Citizenship</u>	Cork	Ireland	Ireland
	Post Office Address	City	State & Zip Code/ Country
<u>Post Office Address</u>	41 Marysville Estate, Ballintemple, Cork, Ireland		

	Family Name	First Given Name	Second Given Name
<u>Full Name of Inventor</u>	SHANAHAN	Fergus	
		State or Foreign Country	Country of Citizenship
<u>City</u>			
<u>Residence &amp; Citizenship</u>	Kinsale	Ireland	Ireland
	Post Office Address	City	State & Zip Code/ Country
<u>Post Office Address</u>	Seafort, Fort Hill, Kinsale, Ireland		

1.  A Second Preliminary Amendment is enclosed.
2.  Cancel claim(s) 1-54 for purposes of lessening filing fees.

The filing fee is calculated on the basis of the claims existing in the prior application as amended by 1 and/or 2 above.

CLAIMS

Basic Fee		\$385	\$770	
Total Claims	1	- 20 =	x 9 = \$	x 18 = \$
Ind. Claims	1	- 3 =	x 43 = \$	x 86 = \$
[ ] Multiple Dependent Claims		<u>+145 = \$</u>	<u>+ 290 = \$</u>	
		Total \$385	Total \$	

3.  The Commissioner is hereby authorized to charge fees under 37 C.F.R. 1.16 and 1.17 which may be required or credit any overpayment to Deposit Account No. 06-1358. A duplicate copy of this sheet is enclosed.
4.  This application is filed under Rule 53(f) and therefore the  Filing Fee  Declaration is not enclosed. All authorization to charge Deposit Account No. 06-1358 for 37 C.F.R. 1.16 fees previously made is revoked.
5.  A check in the amount of \$\_\_\_\_\_ is enclosed.
6.  Amend the specification by inserting before the first line the sentence:

This is a Continuation of application Serial No. 09/903681 filed July 13, 2001.  
 which in turn is a Continuation of PCT/IE00/00008 filed January 17, 2000.
7.  A verified statement claiming small entity status under 37 CFR 1.9 and 1.27:
  - a)  was claimed by way of a declaration filed in prior application Serial No. 09/903681.
  - b)  is claimed by way of the attached declaration.
8.  Priority of application Serial Nos. 99 0033 and 99 0782, filed on January 15, 1999 and September 20, 1999 both in Ireland is claimed under 35 U.S.C. 119.
  - a)  Certified copy is on file in prior application, Serial No. \_\_\_\_.
  - b)  Certified copy filed herewith.

9. [ X ] The prior application is assigned of record to Enterprise Ireland (trading as BioResearch Ireland) and National University of Ireland, Cork.

10. [ X ] The Power of Attorney in the prior application is to at least one of the following:

John Clarke Holman, 22,769; Harvey B. Jacobson, Jr., 20,851; Marvin R. Stern, 20,640; Allen S. Melser, 27,215; Michael R. Slobasky, 26,421; Jonathan L. Scherer, 29,851; Irwin M. Aisenberg, 19,007; William E. Player, 31,409; Yoon S. Ham, 45,307; and Nathaniel A. Humphries, 22,772.

a) [ X ] The power appears in the original papers of the prior application.

b) [ ] Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.

11. [ X ] Petition to extend the life of the above prior application to at least the date hereof

(One box) [ X ] is being concurrently filed in  
NOTE: (must be) that prior application.  
(X'd) [ ] was previously filed in that application.  
[ ] is not necessary.

If a Petition for Extension of Time is necessary and the Petition and/or the check is not enclosed, this will act as the Petition and applicant herewith petitions the Commissioner to extend the time for response and charge any fees necessary under 37 CFR 1.17 (a)(1)-(5) to Deposit Account No. 06-1358.

12. [ ] New formal drawings are enclosed.

13. [ X ] Enclosed is a copy of the Information Disclosure Statement (IDS) and PTO 1449 which was filed in Serial No. 09/903681, filed July 13, 2001 which is relied on for an earlier filing date under 35 U.S.C. 120.

a) [ X ] More than one IDS was filed in the above Serial No. and copies of each IDS, less the documents, are enclosed.

14. [ X ] Enclosed is a copy of the PTO 892 which issued in Serial No. 09/903681, filed July 13, 2001 which is relied on for an earlier filing date under 35 U.S.C. 120.

a) [ X ] More than one PTO 892 issued in the above Serial No. 09/903681 and copies of each PTO 892, less the documents, are enclosed.

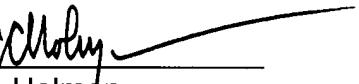
15. [ X ] Also enclosed is: Letter of Transmittal and Substitute Declaration

Address all future correspondence to:

Customer No. 00136  
or  
JACOBSON HOLMAN PLLC  
400 Seventh Street, N.W.  
Washington, D.C. 20004-2201  
Telephone 202/638-6666

Enclosed is a copy of the prior application including the Declaration as originally filed, application, namely Serial No. 09/903681, filed on July 13, 2001. The entire disclosure of the prior application is hereby incorporated by reference.

Respectfully submitted,

By   
John C. Holman  
Reg. No. 22,769  
JACOBSON HOLMAN PLLC  
400 Seventh Street, N.W.  
Washington, D.C. 20004  
(202) 638-6666

Signed this 23rd day of  
February, 2004

Attorney or Agent of record

Filed under 37 CFR 1.34(a)

PATENTS  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re application of: John Kevin COLLINS et al

Serial No.: 09/903681

Filed: July 13, 2001

Group Art Unit: 1651

For: BIFIDOBACTERIUM IN THE TREATMENT  
OF INFLAMMATORY DISEASE

LETTER OF TRANSMITTAL

Commissioner of Patents  
Washington, D.C. 20231

Sir:

Kindly place the attached Substitute Declaration in the above-captioned application. This Substitute Declaration overcomes the informalities in the originally filed Declaration.

Respectfully submitted,

JACOBSON HOLMAN PLLC

By

  
John C. Holman  
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400 Seventh Street, N.W.  
Washington, D.C. 20004  
(202) 638-6666

I.D.: JCH/dls  
Folio: P66879US0  
Date: October 12, 2001